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## Appeal Decision

Site visit made on 24 March 2016

**by Philip Willmer BSc Dip Arch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 07 April 2016**

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### **Appeal Ref: APP/Q1445/D/15/3139884**

### **117 Shirley Drive, Hove, East Sussex, BN3 6UJ.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Edward Hamilton against the decision of Brighton and Hove City Council.
  - The application Ref BH2015/00305, dated 30 January 2015, was refused by notice dated 16 October 2015.
  - The development proposed is retention of ground floor and basement level front extensions incorporating revised driveway, new boundary wall with gated entrances and associated alterations.
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### **Decision**

1. The appeal is allowed and planning permission is granted for ground floor and basement level front extensions incorporating revised driveway, new boundary wall with gated entrances and associated alterations at 117 Shirley Drive, Hove, East Sussex, BN3 6UJ in accordance with the terms of the application, Ref BH2015/00305, dated 30 January 2015, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby authorised shall be carried out in accordance with the following plans: drawings numbered: ED120418 6B, 16A, 17A, 18A, 19A, 21E and 22.
  - 2) The development hereby approved shall be constructed and finished in external materials to match those of the existing house.

### **Procedural Matters**

2. Various planning permissions have been granted for, amongst other things, ground floor and basement level extensions with associated works to the driveway and front garden of this house. The Council advises that the development, as built, has not been carried out in total compliance with the approved schemes. The scheme proposal, the subject of this appeal, seeks permission for a revised design to overcome the Council's concerns that, as built, the extensions and alterations cause harm to the character and appearance of the existing property.
3. The Council is content that the revised design does address a number of its concerns. However, two issues remain; firstly, the substantial excavation of the front driveway and garden and, secondly, the fenestration of the basement

extension as it faces Shirley Drive. While I will confine my considerations to these two matters my determination will be made on the entire proposal.

4. The Council has confirmed that it adopted the Brighton and Hove City Council's Development Plan – *Brighton and Hove City Plan Part One* on the 24 March 2016. However, Policy QD14 of the Brighton and Hove Local Plan (2005) (LP) has not been replaced by any policy in the new plan and remains a retained saved policy. Further, I am advised that Supplementary Planning Document 12: *Design Guide for Extensions and Alterations* (spd 12) has also been retained. I shall proceed to determine the appeal on this basis.

### **Main Issue**

5. I consider the main issue to be the effect of the proposed development on the architectural integrity of the host building and thereby the character and appearance of the street scene and surrounding area.

### **Reasons**

6. The property the subject of this appeal, 117 Shirley Drive, is a detached bungalow. It is one of a group of similar bungalows, located on rising ground on the north side of the road, the majority of which have been altered over time. The area is predominately residential, comprising an eclectic mix of residential building forms, designs and architectural styles.
7. The introduction of windows at the new basement level would render the bungalow, as extended, more prominent than the approved scheme incorporating glass blocks. However, when approaching the property from the east, the new basement is already well screened by the existing boundary planting in the garden of number 155. In addition, the area in front of the basement windows is to be used for the parking of cars that would provide some intermittent screening to the front basement wall from the street. Furthermore, once the proposed planting to the boundary wall to the street and the area in front of the new patio has been established, the visual impact of the new windows and thereby the prominence of the bungalow as extended would be significantly diminished.
8. On balance, therefore, providing the development is completed as designed, I consider that the proposed basement would not appear so incongruous or unduly dominant as to cause harm to the character and appearance of the host property, street scene and surrounding area.
9. The scheme design includes a steep ramped access up to the garden store located on the west side of the property. Further, there would be an equally steep flight of steps on the west side leading to the main entrance. Visually, therefore, although the slope of the ground in front of the basement extension would be less than that previously approved, the main dwelling would, in my opinion, nevertheless still have the same visual relationship to the topography of the area as the neighbouring properties.
10. Furthermore, once surfaced the level of the parking area in front of the basement extension would be little different to that which currently serves number 155. Again, on balance, I am not persuaded that the change in levels proposed over that previously approved would, in itself, serve to increase the

visual prominence of the basement level as to cause significant harm to the character and appearance of the property or street scene.

11. I therefore conclude in respect of the main issue that the proposed development, if completed in accordance with the application drawings, would not cause significant harm to the character and appearance of the property, street scene and surrounding area. The proposal would therefore accord with the aims of LP Policy QD14 and SPD 12 as they relate to the quality of design and the impact of new development on adjoining properties and the surrounding area.

### **Conditions**

12. The conditions follow from those suggested by the Council. Where necessary, in the interests of precision and enforceability, I have reworded the suggested conditions.

13. I agree, as development has already started and is well advanced, that the standard time condition is not necessary. However, I consider that in order to ensure a high quality development a condition about materials is required, in addition to a requirement that the development is carried out in accordance with the approved plans.

### **Conclusions**

14. For the reasons given above and having regard to all other matters raised, I conclude that the proposal would be in accordance with the development plan, when read as a whole, and therefore the appeal should be allowed.

*Philip Willmer*

INSPECTOR

